

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

13

DECISION

TOPIC

Final Rule--Chapter 52, "Wildlife Refuges"

The Commission is requested to adopt a final rule to amend Chapter 571 – 52, Wildlife Refuges. Chapter 571 – 52 establishes state-owned lands and water under the jurisdiction of the Commission and the Department for the purpose of preserving the biological balance pursuant to the provisions of Iowa Code section 481A.39; for the protection of public parks, public health safety and welfare; and to effect sound wildlife management. This amendment changes the dates restricting public access to refuges from September 10 through December 31 to September 1 through January 31 and redefines the Rathbun Area to apply to Appanoose, Lucas, and Wayne Counties, i.e., all the counties that include the reservoir. The rule also modifies the implementation paragraph to reflect the code sections that it implements.

Ken Herring, Administrator
Conservation and Recreation Division
June 12, 2008

Attachment: Chapter 52, Wildlife Refuges Final Rule

NATURAL RESOURCE COMMISSION [571]
Adopted and Filed

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby amends Chapter 52, "Wildlife Refuges," Iowa Administrative Code.

This amendment changes the dates restricting public access to refuges from September 10 through December 31 to September 1 through January 31 and redefines the Rathbun Area to apply to Appanoose, Lucas, and Wayne Counties, i.e., all the counties that include the reservoir.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 9, 2008, as ARC 6701B. A public hearing was held on April 29, 2008, and no comments were received. Six written comments were received and included a request for waterfowl refuges to be open during deer seasons and that a review of the current refuge lines with the goal of improving hunter's success rates be conducted. Because refuges can be opened to deer hunting by the area wildlife biologist, no changes were made to the Notice of Intended Action.

This amendment is intended to implement Iowa Code sections 481A.5, 481A.6, 481A.8 and 481A.39.

These amendments shall become effective August 20, 2008.

The following amendments are adopted.

ITEM 1. Amend subrule 52.1(2), paragraph "a," as follows:

a. Restrictions. The following areas under the jurisdiction of the department of natural resources are established as game refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, between the dates of September ~~10~~ 1 and ~~December~~ January 31 of each year, both dates inclusive, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter when specifically authorized by the department of natural resources.

<u>Area</u>	<u>County</u>
Lake Icaria	Adams
Pool Slough Wildlife Area	Allamakee
Rathbun Area	Appanoose, <u>Lucas, Wayne</u>
Sedan Bottoms	Appanoose
Wildlife Exhibit Area	Boone
Sweet Marsh	Bremer
Big Marsh	Butler
South Twin Lake	Calhoun
Round Lake	Clay
Allen Green Refuge	Des Moines
Henderson	Dickinson
Jemmerson Slough Complex	Dickinson
Spring Run	Dickinson

Ingham Lake	Emmet
Forney Lake	Fremont
Riverton Area	Fremont
Dunbar Slough	Greene
Bays Branch	Guthrie
Green Island Area	Jackson
Hawkeye Wildlife Area	Johnson
Muskrat Slough	Jones
Colyn Area	Lucas
Red Rock Area	Marion, Polk, Warren
Badger Lake	Monona
Tieville/Decatur Bend	Monona
Five Island Lake	Palo Alto
Big Creek-Saylorville Complex	Polk
Chichaqua Area	Polk
Smith Area	Pottawattamie
McCausland	Scott
Princeton Area	Scott
Prairie Rose Lake	Shelby
Otter Creek Marsh	Tama
Green Valley Lake	Union
Three Mile Lake	Union
Lake Sugema	Van Buren
Rice Lake Area	Winnebago
Snyder Lake	Woodbury
Elk Creek Marsh	Worth
Lake Cornelia	Wright

ITEM 2. Amend 571—Chapter 52, implementation sentence, as follows:

This rule is intended to implement Iowa Code section 481A.5, 481A.6, ~~481A.8,~~ 481A.9, and 481A.39.

Date

Richard A. Leopold, Director

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed

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The following amendments are adopted.

Item 1. Amend subrule 571 – 52.1(2)"a", as follows:

52.1(2) Wildlife refuges.

a. Restrictions. The following areas under the jurisdiction of the department of natural resources are established as game refuges where posted. It shall be unlawful to hunt, pursue, kill, trap, or take any wild animal, bird, or game on these areas at any time, and no one shall carry firearms thereon, except where and when specifically authorized by the department of natural resources. It shall also be unlawful to trespass in any manner on the following areas, where posted, between the dates of September ~~10~~ 1 and ~~December~~ January 31 of each year, both dates inclusive, except that department personnel and law enforcement officials may enter the area at any time in performance of their duties, and hunters, under the supervision of department staff, may enter when specifically authorized by the department of natural resources.

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McCausland	Scott
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This rule is intended to implement Iowa Code section 481A.5, 481A.6, ~~481A.8~~, 481A.9, and 481A.39.

Date

Richard A. Leopold, Director

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